

LR 2100-1 Cases and Proceedings Under Title 11, United States Code

(a) Reference

This court hereby continues its reference to the bankruptcy judges of this district of all cases under Title 11 and all proceedings arising under Title 11 or arising in or related to cases under Title 11.

(b) Filing

Except as otherwise provided in these rules, all documents in cases under Title 11 and all proceedings arising under Title 11 or arising in or related to cases under Title 11 must be filed with the bankruptcy court clerk.

LR 2100-2 Cases and Proceedings Under the Bankruptcy Act of 1898

The bankruptcy judges will hear and determine cases and proceedings arising under the Bankruptcy Act of 1898, as amended, pursuant to § 403(a) of the Bankruptcy Reform Act of 1978.

LR 2100-3 Procedure Concerning Abstention (See 28 U.S.C. § 1334(c)), Withdrawal of Reference (

See

28 U.S.C. § 157(d)), and Change of Venue (

See

28 U.S.C. § 1412)

(a) Titles

All documents must be entitled "United States Bankruptcy Court for the District of Oregon."

(b) Local Rules

The District Court Local Rules and Orders apply to all matters before a district judge. The Bankruptcy Court Local Rules and General Orders apply to all matters before a bankruptcy

judge.

(c) Timeliness

(1) Unless otherwise provided in these rules, to be considered "timely," motions of the type in the caption of LR 2100-3 must be filed with the movant's first pleading or motion.

(2) A motion for enlargement of a time limit in subsection (c)(1) may be granted where the failure to act was the result of excusable neglect. The motion will ordinarily be denied if made more than twenty (20) days after the specified time period.

(d) Filing of Documents in District Court

After entry of an order by a district judge withdrawing the reference of an entire case or adversary proceeding, or after an appeal is filed from a judgment, order, or decree of a district court judge, documents must be filed with the district court clerk.

(e) Caption of Documents Where Matter Has Been Transmitted to District Court

When a matter has been transferred to the district court, the caption of all documents submitted within that matter will contain, under the title of the document, the wording, "Referred to United States District Court."

(f) Required Exhibits

All motions and responses, which seek district court action must have attached as exhibits copies of all relevant portions of any record in the bankruptcy court record that the party believes will be necessary for consideration of the motion. When ruling on such a motion, the district court will consider only those portions of the record which are attached.

LR 2100-4 Withdrawal of Reference (See 28 U.S.C. § 157(d))

In addition to the statutory provisions relating to withdrawal of reference, a case, or any portion thereof, may be withdrawn on recommendation of a bankruptcy judge.

LR 2100-5 Abstention (See 28 U.S.C. § 1334(c))

(a) General

Motions for abstention will be heard by a bankruptcy judge.

(b) Motions Under 28 U.S.C. § 1334(c)(2)

In addition to complying with the provisions of [LR 2100-3](#), motions filed pursuant to 28 U.S.C. § 1334(c)(2) must be accompanied by an affidavit, declaration under penalty of perjury or deposition setting forth compliance with each statutory provision, and by an appropriate memorandum.

LR 2100-6 Change of Venue (See 28 U.S.C. § 1412)

Motions for a change of venue will be heard by a bankruptcy judge.

LR 2100-7 Removal and Remand (See 28 U.S.C. § 1452)

(a) General

All provisions of [LR 2100-3](#) will apply except LR 2100-3(c).

(b) Timeliness

A motion to remand a case removed to the bankruptcy court will be considered only if it is filed within thirty (30) days of docketing of the removal by the bankruptcy court.

LR 2100-8 Jury Trials

(a) General

In any proceeding in which a demand for a jury trial is filed, the bankruptcy judge will determine whether the party has a right to a jury trial and whether the demand was properly filed. If so, the bankruptcy judge will preside at the jury trial if all parties consent in writing and there is approval by a district judge. If there is not consent or district judge approval, the bankruptcy judge will conduct pretrial proceedings up through lodging of the pretrial order, unless reference is withdrawn.

(b) Involuntary Cases

Issues arising under 11 U.S.C. § 303 will be tried before a bankruptcy judge without a jury.

LR 2100-9 "Non-Core" Matters (See 28 U.S.C. § 157(c)(2))

Subject to the provisions of [LR 2100-8\(a\)](#), if all parties to a case consent, the bankruptcy judge may conduct any and all proceedings in a "non-core" matter and enter orders and judgments without further order of this court.

LR 2100-10 Stay of Administration

The filing and pendency of any motion requesting district court action or a request for a jury trial will not stay or suspend the bankruptcy case or proceeding. A motion for stay will be heard by the bankruptcy judge to whom the case or proceeding is assigned.

LR 2100-11 Matters for District Court Determination After Entry of Proposed Findings of Fact and Conclusions of Law by the Bankruptcy Judge (28 U.S.C. § 157(c)(1))

(a) Oral Argument

Any party may request oral argument by endorsing the request on the written objections or responses.

(b) Immediate Review

When a bankruptcy judge certifies that circumstances require immediate review by a district judge, a district judge will review the matter and enter an order or judgment as soon as possible.

(c) General Form of Order or Judgment in a "Non-Core" Matter

In a "non-core" matter (28 U.S.C. § 157(b)) tried by a bankruptcy judge and where no timely objection has been filed to the proposed findings of fact and conclusions of law, unless prepared by the bankruptcy judge, the prevailing party must submit to the bankruptcy court clerk a proposed form of final order or judgment complying with the formatting requirements for orders and judgments as set forth in Local Bankruptcy Rule

9021-1(a).

(d) Default Order or Judgment in a "Non-Core" Matter

If an order or judgment will be entered by default and it involves a "non-core" matter, the moving party or plaintiff must submit to the bankruptcy court clerk:

(1) A proposed form of default order complying with the formatting requirements for orders and judgments as set forth in Local Bankruptcy Rule 9021-1(a); and

(2) A proposed form of final order or judgment complying with the formatting requirements for orders and judgments as set forth in Local Bankruptcy Rule 9021-1(a) .

LR 2100-12 Procedure for Certification of Questions of State Law (See also [LR 83-15](#))

(a) Any interested party may request that determinative questions of state law be certified to a state appellate court pursuant to applicable state law allowing such certification. Requests for certification of questions of state law must be filed with the bankruptcy court and must include:

(1) A statement of the question of law to be answered; and

(2) A statement of all facts relevant to the question of law and showing fully the nature of the controversy in which the question arose.

(b) The bankruptcy judge may, sua sponte, raise the issue of whether a determinative question of state law should be certified to a state appellate court pursuant to applicable state law allowing such certification. When the bankruptcy judge raises the issue of certification sua sponte, the clerk of the bankruptcy court will serve upon all interested parties a notice of a hearing on the issue of certification not less than 21 days prior to the hearing. Any response to

the notice must be filed with the clerk of the bankruptcy court not less than 10 days prior to the hearing.

(c) A request for certification or a sua sponte consideration of the certification issue will be heard by the bankruptcy judge.

(d) If the bankruptcy judge determines that the state law question should not be certified, he or she will enter an order denying certification. Such an order denying certification will be subject to review to the extent permitted by 28 U.S.C. § 158.

(e) If the bankruptcy judge determines that the state law question should be certified he or she will issue a report and recommendation and a proposed certification order which will include:

(1) A statement of the question of law to be answered; and

(2) A statement of all facts relevant to the question of law and showing fully the nature of the controversy in which the question arose. The bankruptcy court clerk will serve forthwith a copy of the report and recommendation and proposed certification order upon the parties to the proceeding. Within fourteen (14) days of being served with a copy of the report and recommendation and proposed certification order, a party may serve and file with the clerk of the bankruptcy court objections prepared in the manner provided by Fed.R.Bankr.P. 9033(b). The district court will review the report and recommendation and proposed certification order under Fed.R.Bankr.P. 9033 and will enter the order granting or denying certification.

June 1, 2002

LR 2100

Rules numbers have been restyled to track the current distribution calendar

LR 2100-12(e)(2)

December 1, 2009

Generally

LR 2100-12(e)(2)

This rule has been amended to add the last sentence, which had been included

The word "shall" replaced by either "must" or "will."

Time for filing objections changed from "10" days to "fourteen (14)" to conform